

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**HARDEE BEY *doing business as*** :  
**Benjamin O’Neil Hardee *doing business*** :  
***as Ben El Bey*** :

**Plaintiff**

**v.**

**STATE OF GEORGIA, BRIAN KEMP,** :  
**ATLANTA MUNICIPAL COURT,** :  
**RYAN SHEPARD, RAINES CARTER** :  
**FULTON COUNTY SHERIFF’S** :  
**OFFICE, THEODORE JACKSON, and** :  
**JAMES BULLOCK** :

**Defendants**

**CIVIL ACTION NO.**

**1:17-CV-03686**

**FULTON COUNTY SHERIFF’S OFFICE AND THEODORE JACKSON’S  
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

COME NOW Defendants Fulton County Sheriff’s Office and Theodore Jackson (“Defendants”), and move this Honorable Court to dismiss the claim asserted against them pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Plaintiff’s Complaint has failed to state a claim against either Defendant, and accordingly, the Court should dismiss these parties from the litigation. A brief in support is filed contemporaneously.

WHEREFORE, Defendants pray that this motion to dismiss for failure to

state a claim be granted.

Respectfully submitted, this 18th day of October, 2017.

**OFFICE OF THE FULTON COUNTY ATTORNEY**

Patrise Perkins-Hooker  
County Attorney  
Georgia Bar No. 572358

Kaye W. Burwell  
Georgia Bar No. 775060

Ashley Palmer  
Georgia Bar No. 603514

/s/ Jonathan Loegel  
Jonathan D. Loegel  
Georgia Bar No. 755706

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**CERTIFICATE OF SERVICE**

THIS CERTIFIES that on October 18, 2017, I have presented this document in Times New Roman, 14 point type, and that I have electronically filed the foregoing **DEFENDANTS FULTON COUNTY SHERIFF’S OFFICE AND THEODORE JACKSON’S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM** with the Clerk of Court using the CM/ECF system, and will provide mail notification to the *pro se* Plaintiff listed below:

Bey Hardee  
964 Ralph D. Abernathy Blvd.  
Atlanta, Georgia 30310

This 18th day of October, 2017.

**OFFICE OF THE FULTON COUNTY ATTORNEY**

*/s/ Jonathan Loegel*

Jonathan D. Loegel

Georgia State Bar No.: 755706

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